

Decision 03-01-013 January 16, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Sacramento Regional Transit District for an order authorizing it to construct, maintain and operate a light rail passenger system on a structure over Florin Road in the County of Sacramento, State of California.

Application 02-03-031
(Filed March 14, 2002)

O P I N I O N

Summary

The Sacramento Regional Transit District (District) requests authority to construct, maintain, and operate a light rail passenger system on a structure over Florin Road in the City of Sacramento (City), Sacramento County. The proposed overpass will be referred to as the Florin Grade Separation (Overpass), Public Utilities Commission (Commission) No. 83S-6.42-B. A vicinity map of the project area is shown in Appendix A of this decision. Detailed plans of the grade separation are shown in Appendix B.

Discussion

This project is part of the District's South Sacramento extension. Currently, the Union Pacific Railroad (UP) and the District tracks run parallel at the Florin Road at-grade crossing. The proposed project will grade separate these tracks, while keeping the UP tracks at their present alignment. The warning devices at UP highway railroad crossing, Commission No. 4-132.90, will consist of one Standard No. 9, one Standard No. 9A, two median mounted Standard No. 9s, and two Standard No. 8s as specified in Commission General

Order (GO) 75-C. The Overpass will span the existing four-lane road, and will be approximately 355 feet long.

By Decision 00-03-011, the Commission authorized the District to construct an at-grade highway railroad crossing at Florin Road. Subsequently the City requested the District to consider a grade separation at this location in order to maintain the current traffic operations and avoid any traffic queues that would result from District light rail trains operating at grade. Florin Road has an estimated average daily traffic of 35, 753 vehicles, and light rail service is planned to operate with seven minutes headways during peak hours. The District considered the City's request, and subsequently decided to grade-separate the light rail portion of this crossing.

While the Commission originally approved a completely at-grade highway railroad crossing, grade-separating the District light rail tracks at Florin Road will improve the safety at this location. The Consumer Protection and Safety Division's (CPSD) Rail Crossings Engineering Section (Staff) agrees that warning devices proposed for the UP at-grade highway railroad crossing at Florin Road will provide adequate safety. Staff concurs with the District to grade-separate their light rail tracks.

State and Federal funds will be used to construct the project. UP will not be required to contribute funds for the project.

The construction of the Overpass is scheduled to begin in the summer of 2002 and be completed by 2003. During construction, vehicular traffic will continue on Florin Road, and the UP will continue to operate freight trains on the adjacent track. All falsework clearances, both horizontal and vertical, will comply with the Commission GO 26-D. Upon completion of the project, all

falsework shall be removed. The permanent Overpass structure shall meet the clearances as required by GO 26-D.

The District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et. seq. On November 5, 2001, the District certified the Addendum to the South Sacramento Corridor Project Final Environment Impact Report. Mitigation measures were made a condition of approval of the South Sacramento Corridor Project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the District's environmental documentation and finds these documents adequate for our decision-making purposes. The environmental documentation consists of an Addendum to the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR). The original FEIS/EIR considered the condition of an at-grade crossing to be built at Florin Road. The Addendum considers the impact of a grade separation for the Florin Road crossing. Analysis of potential environmental impacts included: air quality, noise and vibration, visual changes, safety and security, cultural resources, construction period effects, neighborhoods and businesses,

geology, hazardous materials, water resources, utilities, job creation, vegetation and wildlife, land use, seismicity, and transportation and traffic.

Safety, security, transportation and noise are within the scope of the Commission's permitting process. The Addendum did not identify any environmental impacts for the South Sacramento Corridor Project change that were not identified in the original FEIS/EIR, or any new significant impacts associated with the construction of a grade-separated highway railroad crossing at Florin Road.

Safety and security impacts identified in the original FEIS/EIR are related to the addition of the District's facilities, where safety and security will be required. The adopted mitigation measures include the District extending contract security services to include coverage of park-and-ride lots, stations, and maintenance facilities, and an increase to the existing District law enforcement staff. The District will monitor impacts at major arterial highway railroad grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt other cross-street traffic. The District will also expand fire safety and emergency response training, and will work with emergency service providers to develop alternate routes and adjust service areas and destinations as necessary to maintain emergency service coverage and response times.

Noise impacts identified in the original FEIS/EIR were related to freight and light rail vehicle, power substation, and highway railroad grade-crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, incorporating certain design specifications to limit the maximum noise level of the substations, placing the vents on the substations away from any residence, installing at specific locations a rubber or

rubber-like ballast, and maintaining vehicles so that wheel flats are eliminated and that the vehicle wheel profiling is continually restored through wheel truing as part of the ongoing maintenance.

Transportation and traffic impacts identified in the original FEIS/EIR involve reduced levels of service at several intersections. The adopted mitigation measures include the use of near-side highway railroad crossing indicators where at-grade highway railroad crossings are adjacent to light rail stations, and improvements to six intersections. The near-side highway railroad crossing indicators will minimize the amount of time the highway railroad crossing gates are down where trains must stop to load and unload passengers before crossing the roadway. Mitigation measures for the intersections involve the improvement of traffic operations, such as restriping or widening of roadways.

With respect to the potentially significant safety, security, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts in both the original FEIS/EIR and Addendum. We adopt these mitigations for purpose of our approval.

The CPSD Staff inspected the site of the proposed project. Staff examined the need for and safety of the proposed crossing separation and recommends that the District's request be granted for a period of two years.

Application 02-03-031 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad across a public highway.

The District filed an amendment to this application on May 29, 2002. The amendment was published on the Commission's Daily Calendar on June 7, 2002. The amendment consists of adding the legal description, submitting revised

plans, and correcting the proposed Commission number for the highway railroad crossing.

In Resolution ALJ 176-3085 dated April 4, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. UP filed a protest on April 25, 2002, and withdrew its protest by letter dated July 30, 2002, after the District had filed its amendment. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3085.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on March 26, 2002 and notice of the Amended Application was published on June 7, 2002.

2. The District requests authority to construct, maintain, and operate a light rail passenger system on a structure over Florin Road in the City of Sacramento to be identified as Commission No. 83S-6.42-B.

3. The District filed an amendment to this application on May 29, 2002, which added the legal description, submitted revised plans, and corrected the proposed Commission crossing number.

4. On April 25, 2002, UP filed a protest to the application. UP withdrew its protest after the District filed an amendment, which resolved all outstanding issues.

5. Public safety requires that the warning devices to be installed at the UP freight track at-grade highway railroad crossing shall consist of one Standard No. 9, one Standard No. 9A, two median mounted Standard No. 9's, and two Standard No. 8's flashing lights as specified in Commission GO 75-C.

6. Public convenience, safety, and necessity require the construction of the Overpass.

7. The District is the lead agency for this project under the CEQA, as amended.

8. The Commission is a responsible agency for this project, and has reviewed and considered the District's environmental documentation upon which the District relied in adopting mitigation measures for the project. We find these documents adequate for our decision-making purposes.

9. On November 5, 2001, the District certified the Addendum to the South Sacramento Corridor Project.

10. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

11. The Commission finds that for each potentially significant impact related to safety and security, transportation, or noise, the District has adopted feasible mitigation measures to either eliminate or substantially lessen those impacts in both the original FEIS/EIR and Addendum. We adopt these mitigations for purposes of our approval.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Sacramento Regional Transit District (District) is authorized to construct, maintain, and operate a light rail passenger system on a structure over Florin Road, to be identified as Public Utilities Commission Crossing No. 083S-6.42-B.

2. Warning devices for the Union Pacific Railroad (UP) freight track at-grade crossing of Florin Road shall consist of one Standard No. 9, one Standard No. 9A, two median mounted Standard No. 9s, and two Standard No. 8s as specified in Commission General Order (GO) 75-C.

3. Clearances shall be in accordance with Commission GO 26-D.

4. Walkways shall conform to Commission GO 118. Walkways adjacent to any tracks subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs for UP at-grade highway railroad crossing shall be borne in accordance with an agreement that has been entered into between UP and the District. The District shall file a copy of the agreement with the Rail Crossings Engineering Section (RCES) of the Consumer Protection and Safety Division (CPSD) prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Prior to construction, the District shall file with the RCES of CPSD final construction plans.

7. Within 30 days after completion of the work under this order, the District shall notify the RCES of CPSD in writing, by submitting a completed standard

Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

8. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. This application is granted as set forth above.
10. Application 02-03-031 is closed

This order is effective today.

Dated January 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners





